

IN THE CIRCUIT COURT OF McDOWELL COUNTY, WEST VIRGINIA
SWOPE CONSTRUCTION COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 16 – C – 87 -S

McDOWELL COUNTY BOARD OF
EDUCATION, MOUNTAINEER CONTRACTORS,
INC., E.T. BOGGESS, ARCHITECT, INC.,
ZMM, INC., POTESTA & ASSOCIATES, INC.,
THE THRASHER GROUP, INC.,

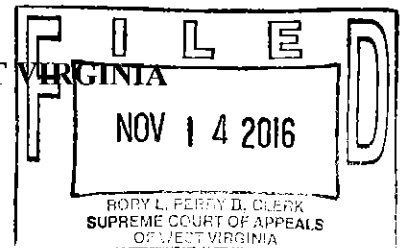
Defendants.

**DEFENDANT MOUNTAINEER CONTRACTORS, INC.'S MOTION IN
SUPPORT OF CO-DEFENDANTS' MOTION TO REFER ACTION TO
BUSINESS COURT DIVISION**

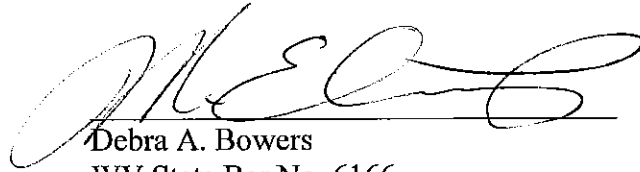
Comes now Defendant Mountaineer Contractors, Inc. and respectfully moves to join the "Joint Motion on Behalf of Defendants E.T. Boggess, Architect, Inc., ZMM, Inc., Potesta & Associates, Inc. and the Thrasher Group, Inc. to Refer Action to Business Court Division." The multiple parties and commercial entities, multiple theories and legal claims, and multiple technical issues provide for a complex claim. For these reasons, and the additional rationale articulated within co-Defendants' initial motion, the movants agree that this matter is an appropriate civil action to be brought before the Business Court Division, and all parties involved would benefit from the specialization and expertise offered by the Court.

WHEREFORE, the undersigned hereby MOVES, pursuant to W. Va. Trial Court Rule 29, the Chief Justice of the West Virginia Supreme Court of Appeals to refer this case to the Business Court Division.

Respectfully submitted,



DEFENDANT,
MOUNTAINEER CONTRACTORS, INC.,
BY COUNSEL.

A handwritten signature in black ink, appearing to read 'Debra A. Bowers', written over a horizontal line.

Debra A. Bowers
WV State Bar No. 6166
Matthew D. Elshiaty
WV State Bar No. 12535
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THE THRASHER GROUP, INC.,
Defendants.**

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANT MOUNTAINEER CONTRACTORS, INC.'S MOTION IN SUPPORT OF CO-DEFENDANTS' MOTION TO REFER ACTION TO BUSINESS COURT DIVISION** upon the parties provided for below; the McDowell County Circuit Clerk's Office; and the Business Court Division Central Office on the 11th day of November, 2016, by mailing a true copy thereof by United States mail, postage prepaid, to the following counsel of record:

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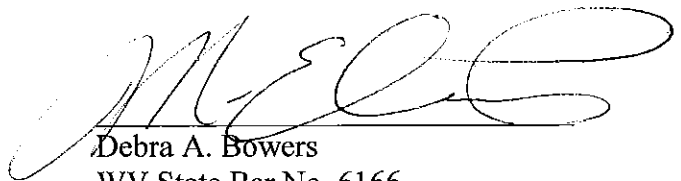
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